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EXAMINER	
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2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,944	FRIEDMAN, LEE	
	Examiner	Art Unit	
	Ryan F Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 6, 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *04092003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-82 have been examined.

Claim Objections

2. Claim 11 is objected to because of the following informalities: In line 2 of claim 11 "according the stored personalization." should be "according to the stored personalization." Appropriate correction is required.

3. Claim 24 is objected to because of the following informalities: In line 12 of claim 24 "that is connected the" should be "that is connected to the" Appropriate correction is required.

4. Claim 29 is objected to because of the following informalities: In line 3 of claim 29 "according the user" should be "according to the user" Appropriate correction is required.

5. Claim 48 is objected to because of the following informalities: In line 4 of claim 48 "the device according the status data." should be " the device according to the status data." Appropriate correction is required.

6. Claim 52 is objected to because of the following informalities: In line 4 on claim 52 "storing additional remote program modules the remote server" should be "storing additional remote program modules on the remote server". Also, in line 8 of claim 52 "device according the status data" should be "device according to the status data". Appropriate correction is required.

7. Claim 73 is objected to because of the following informalities: in line 5 of claim 73 "the status data" should be "to the status data". Appropriate correction is required.

8. Claim 77 is objected to because of the following informalities: In line 5 on claim 77 "storing additional remote program modules the remote server" should be "storing additional remote program modules on the remote server". Also, in line 9 of claim 52 "device according the status data" should be "device according to the status data". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 10 recites the limitation "the remote server " in line 8 of claim 10. There is insufficient antecedent basis for this limitation in the claim.

11. Claims 24 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims set of remote media formats including all commercially available media formats.

12. Claims 26-31 recite the limitation "The remote server " in the first line of each claim. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 51 recites the limitation "uploading status data" in line 1 of claim 51. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 52 recites the limitation "the status data" in lines 8 and 9 of claim 52. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 53 recites the limitation "the status data" in line 1 of claim 53. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 82 recites the limitation "downloading data to the client device" in claim 53. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 1, 2, 5, 6, 10-23, 32, 33, 36, 38-40, 43-47, 52, 53, 57-59, 62, 64-66, 69-72, 77, 78, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7").

As per independent claim 1, Kullick discloses a client receiver for receiving remote data from a remote device (Column 3 lines 59-65), where the remote data includes remote program modules (Column 4 lines 30-36) and remote media format access data that corresponds to a set of remote media formats (Column 4 lines 22-27); a client storage unit for storing client data, the client data further

comprising: a roster of client media formats that are accessible by the system (Column 16 lines 19-25); wherein received remote media format access data is stored as client media format access data, and received remote program modules are stored as client program modules (Column 4 lines 30-36);a client transmitter for transmitting client data to the remote device (Column 3 lines 25-32); wherein client data sent by the transmitter to the remote device includes status information that indicates the status of the client data (Column 6 lines 54-61); and a client processor for executing any of the set of client program modules and for using the client media format access data to access the content of media files (Column 4 lines 11-15). Kullick fails to distinctly disclose a single interface, a set of media formats, and a set of program modules; however, wmp7 teaches a system for accessing the content of various types of media files using a single interface (Figure 4). Wmp7 also teaches a set of client media format access data (Figure 2 item 210) and a set of client program modules (Figure 6; *wherein modules include media player, equalizer, track list*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Kullick with the interface and sets of formats and modules of Media player 7. Motivation to do so would have been to organize the formats, modules, and all other data so they could easily be accessed.

As per claim 2, which is dependent on claim 1, the modified Kullick fails to disclose a client receiver, which automatically downloads a format when an unrecognized format is accessed. However, wmp7 teaches a system for

receiving remote data from a remote device when the system encounters a media file that has a media format from a remote device when the system encounters a media file that has a media format that is not present in the roster of client media formats, and where the remote data includes remote media format access data that enables the system to access the content of the encountered media file. (Figure 2 item 10;*automatically download codecs when an unrecognized format is encountered)*. Therefore, it would have been obvious to an artisan at the time of the invention to combine the system of the modified Kullick with the teaching of wmp7. Motivation to do so would be to universalize the interface to recognize any format.

As per claim 5, which is dependent on claim 1, the modified Kullick discloses updating the set of client media access data by adding remote media access data received from the remote device (Kullick, Column 6 lines 10-17), for replacing client media format access data with corresponding remote media access data received from the remote device (Kullick, Column 6 lines 29-31) and for deleting client media access data (Kullick, Column 6 lines 25-27). Kullick fails to distinctly point out a client media format controller, however wmp7 teaches a client media format controller (figure 2 item 10;*wherein the controller is responsible for all media access data as shown*). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick system with the teaching of wmp7. Motivation to do so would have been to regulate all of the media access format data sent to and from the remote device.

As per claim 6, which is dependent on claim 1, the modified Kullick discloses a system comprising a client program module controller for updating the set of client program modules by adding remote program modules received from the remote device (Kullick, Column 6 lines 10-17) for replacing client program modules with corresponding remote program modules received from the remote device (Kullick, Column lines 29-31), and for deleting client program modules (Kullick, Column 6 lines 25 -27).

As per claim 10, which is dependent on claim 1, the modified Kullick fails to distinctly point out a graphical user interface. However, wmp7 teaches a system comprising a graphical user interface comprising: means for selecting media files to be access by the system (Figure 7 item 510); means for controlling the appearance of the GUI, wherein the GUI is customizable such that a user can determine how the GUI is displayed (Figure 5 item 310); and means for controlling the functionality of the GUI, wherein the GUI is customizable such that a user can determine the frequency and manner of data transfers to and from the remote server(Figure 2 item 20); wherein user customizations are stored in the client storage unit as personalization data (*wherein the customizations are inherently stored as personalization data causing the appearance and updating of the interface to resemble the data*). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick system with

the teaching of wmp7. Motivation to do so would have been to make the system more aseptically pleasing to and easier to interact with.

As per claim 11, which is dependent on claim 10, the modified Kullick fails to distinctly point out a system wherein the processor accesses the content of the media files according to the store personalization data. However, wmp7 teaches accessing the content of the media files according to the stored personalization data (Figure 4 item 210). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of wmp7. Motivation to do so would have been to only access those files according to the user to eliminate any unwanted media types.

As per claim 12, which is dependent on claim 10, the modified Kullick discloses a system wherein the GUI displays a roster of the set of client media formats in a user-readable format (wmp7, Figure 4 item 210).

As per claim 13, which is dependent on claim 12, the modified Kullick discloses a system where the roster includes the status of the client data (Kullick, Column 6 lines 54-61).

As per claim 14, which is dependent on claim 10, the modified Kullick discloses a system wherein the GUI further comprises a graphic equalizer (wmp7, Figure 3 item 130).

As per claim 15, which is dependent on claim 10, the modified Kullick discloses a system wherein the GUI further comprises a viewing area (wmp7, Figure 3 item 130).

As per claim 16, which is dependent on claim 16, the modified Kullick discloses a client transmitter transmits the stored personalization data to the remote device and the remote device stores the personalization data in a remote storage unit (wmp7, Figure 2 item 30; wherein sites must store the data to be able to uniquely identify).

As per claim 17, which is dependent on claim 5, the modified Kullick discloses a system wherein the client media format controller replaces client media format data when corresponding remote media format access data is received from the remote device (Kullick, Column 4 lines 30-36).

As per claim 18, which is dependent on claim 17, the modified Kullick discloses a system where the client media format controller replaces client media format access data if the corresponding remote media format access data is a newer version (Kullick, Column 4 lines 30-36).

As per claim 19, which is dependent on claim 17, the modified Kullick discloses a system wherein the client media format controller replaces client media format access data if the client media format access data is damaged (Kullick, Column 4 lines 45-58).

As per claim 20, which is dependent on claim 6, the modified Kullick fails to disclose replacing a program module according to personalization information. However, wmp7 teaches replacing a client program module according to personalization data (Figure 2 item 20). Therefore, it would have been obvious to an artisan at the time of the invention to combine the modified system of Kullick

with the teaching of wmp7. Motivation to do so would have been to only allow updates when the users allows them saving on constant downloading time.

As per claim 21, which is dependent on claim 6, the modified Kullick discloses a system wherein the client program module controller replaces a client program module when a corresponding remote program module is received from the remote device (Column 4 lines 30-36).

As per claim 22, which is dependent on claim 21, the modified Kullick discloses a system wherein the client program module controller replaces a client program module if the corresponding remote program module is a newer version (Column 4 lines 30-36).

As per claim 23, which is dependent on claim 21, the modified Kullick discloses a system wherein the client program module controller replaces a client program module if the client program module is damaged (Column 4 lines 45-48).

As per independent claim 32, the Kullick discloses a method of displaying content of media files, comprising: connecting the client device to a communications network Kullick Column 3 lines 29-32); comparing the set of client media format access data to a set of remote media format access data (Kullick, Column 4 lines 5-7); downloading members of a set of remote media format access data in response to the media format comparison (Kullick, Column 4 lines 5-7); Kullick fails to distinctly point out storing a set of media format access data or accessing the media files using the media format access data. However, wmp7 teaches storing a set of client media format access data on a

client device (wmp7, Figure 4 item 210); storing the members of the set of remote media format access data in the set of client media format access data on the client device; and accessing the content of the media files using the client media format access data (wmp7, Figure 4 item 210). Therefore, it would have been obvious to an artisan at the time of the invention to combine Kullick's method with the teaching of wmp7. Motivation to do so would have been organize and utilize the data in a proficient way.

As per claim 33, which is dependent on claim 32, the modified Kullick discloses a method comprising: comparing a set of client program modules to a set of remote program modules (Kullick, Column 4 lines 5-7); downloading members of a set of remote program modules in response to the program module comparison (Kullick, Column 4 lines 9-11); and storing the members of the set of remote program modules in the set of client program modules on the client device (Kullick, Column 6 lines 10-17).

As per claim 36, which is dependent on claim 32, the modified Kullick fails to disclose personalizing a GUI and storing the personalization data. However, wmp7 teaches implementing customizations to the appearance and functionality of a graphical user interface (GUI) and storing the customizations as personalization data (Figure 5 items 310 and 320;*wmp saves user settings such as format and skin information so that they can be rendered at an alternate encounter)*. Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to make the GUI more aseptically pleasing.

As per claim 38, which is dependent on claim 36, the modified Kullick fails to distinctly point out downloading remote media according to the personalization data. However, wmp7 teaches downloading members of the set of remote media format access data according to the personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to limit the downloading time by only downloading those members, which are pertinent to the user.

As per claim 39, which is dependent on claim 32, the modified Kullick fails to disclose personalizing a GUI and storing the personalization data and downloading remote media according to the personalization data. However, wmp7 teaches implementing customizations to the appearance and functionality of a graphical user interface (GUI) and storing the customizations as personalization data (Figure 5 items 310 and 320;*wmp saves user settings such as format and skin information so that they can be rendered at an alternate encounter* and downloading members of the set of remote media format access data according to the personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to make the GUI more aseptically pleasing.

As per claim 40, which is dependent on claim 32, the modified Kullick discloses a method comprising transmitting data to a remote device (Kullick, Column 3 lines 25-32).

As per claim 43, which is dependent on claim 32, the modified Kullick discloses a method wherein storing the members of the set of remote media format access data further comprises deleting corresponding members of the set of client media format access data previously stored on the client device (Kullick, Column 6 lines 25-34).

As per claim 44, which is dependent on claim 33, the modified Kullick discloses a method wherein storing the members of the set of remote program modules further comprises deleting corresponding members of the set of client program modules previously stored on the client device (Kullick, Column 6 lines 25-34).

As per claim independent claim 45, Kullick discloses a method of maintaining and distributing media format access data comprising: storing the set of remote data on a remote server (Column 3 lines 63-65); storing additional data in the set of remote media formats by obtaining the additional data (Column 6 lines 13-17); and downloading data to a client device (Column 4 lines 9-11). However Kullick fails to distinctly point out remote media format data. However, wmp7 teaches media format access data (Figure 4 item 210). Therefore it would have been obvious to combine the method of Kullick with the teaching of wmp7. Motivation to do so would have been to organize the storing and downloading of the media access data.

As per claim 46, which is dependent on claim 45, the modified Kullick discloses a method wherein obtaining the additional media format access data further comprises retrieving media format access data that have no

corresponding members in the set of remote media format access data (Kullick, Column 4 lines 30-36).

As per claim 47, which is dependent on claim 45, the modified Kullick discloses a method wherein obtaining the additional media format access data further comprises retrieving media format access data that are newer than the corresponding members of the set of remote media format access data (Kullick, Column 6 lines 13-17).

As per claim 52, which is dependent on claim 45, the modified Kullick discloses a method compiling a set of remote program modules (Kullick, Column 3 lines 63-65); storing the set of remote program modules on the remote server (Kullick, Column 3 lines 63-65); and storing additional remote program modules on the remote server by adding program modules that have no corresponding members in the set of remote program modules (Kullick, Column 3 lines 63-65;*wherein all new updated versions are stored).*

As per claim 53, which is dependent on claim 52, the modified Kullick fails to distinctly point out personalization data. However, wmp7 teaches status data further including user personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to limit the downloading time by only downloading those members, which are pertinent to the user.

As per claim 57, which is dependent on claim 45, the modified Kullick discloses a method wherein downloading data to the client device is initiated by the client device (Kullick, Column 3 lines 55-57).

Claim 58 is similar to scope to claim 32, and is therefore rejected under similar rationale.

Claim 59 is similar to scope to claim 33, and is therefore rejected under similar rationale.

Claim 62 is similar to scope to claim 36, and is therefore rejected under similar rationale.

Claim 64 is similar to scope to claim 38, and is therefore rejected under similar rationale.

Claim 65 is similar to scope to claim 39, and is therefore rejected under similar rationale.

Claim 66 is similar to scope to claim 40, and is therefore rejected under similar rationale.

As per claim 69, which is dependent on claim 58, the modified Kullick discloses a method wherein storing the members of the set of remote media format access data further comprises deleting corresponding members of the set of client media format access data previously stored on the client device (Column 6 lines 25-34); and wherein storing the members of the set of remote program modules further comprises deleting corresponding members of the set of client program modules previously stored on the client device (Column 6 lines 25-34).

Claim 70 is similar to scope to claim 45, and is therefore rejected under similar rationale.

Claim 71 is similar to scope to claim 46, and is therefore rejected under similar rationale.

Claim 72 is similar to scope to claim 47, and is therefore rejected under similar rationale.

Claim 77 is similar to scope to claim 52, and is therefore rejected under similar rationale.

Claim 78 is similar to scope to claim 53, and is therefore rejected under similar rationale.

Claim 82 is similar to scope to claim 57, and is therefore rejected under similar rationale.

19. Claims 56,81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7")

As per claim 56, which is dependent on claim 45, the modified Kullick fails to disclose downloading initiated by the remote server. However, Official Notice is taken that server initiated downloads are well known in the art some examples include: a remote booting system where the boot commands are sent by the server to a terminal to initiate a boot sequence or a network administrator "forcing" updates to its network via the server. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with server initiated downloads. Motivation to do so would have been to eliminate the burden from the user to download updates.

Claim 81 is similar to scope to claim 56, and is therefore rejected under similar rationale.

20. Claims 3, 41, 50, 67, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Fox et al ("Fox", US# 5,790,677).

As per claim 3, which is dependent on claim 1, the modified Kullick fails to disclose client identifying data and billing information. However, Fox teaches a system wherein client data transmitted to the remote device includes identifying data (Column 8 lines 39-42) and billing information (Column 7 lines 52-58). Therefore it would have been obvious to combine the modified system of Kullick with the teachings of Fox. Motivation to do so would have been to uniquely identify the user for security purposes.

Claims 41,50,67,75 are similar to scope to claim 3, and are therefore rejected under similar rationale.

21. Claims 4, 24-25,27,28,34,35,42,54,55,60,61,68,79,80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Menezes ("Menezes", Handbook of Applied Cryptography)

As per claim 4, which is dependent on claim 4, the modified Kullick fails to distinctly point out an encryption system. However, Menezes teaches a system comprising: a decrypter for decrypting the remote data (Figure 1.11 Bob) and an

encrypter for encrypting the client data prior to transferring the client data to the remote device (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per independent claim 24, Kullick discloses a remote program module controller for compiling and updating a set of remote program modules (Column 3 lines 58-65); a remote storage unit for storing the remote media format access data and the set of remote program modules (Column 3 lines 63-65); and a remote transmitter for transmitting remote format access data and remote program modules to at least one client device that is connected to the communications network (Column 3 lines 26-32). Kullick fails to disclose a set of remote media formats. However, wmp7 teaches a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats (Figure 4 item 210, and for updating the remote media format access data (Figure 2 item 10). Therefore, it would have been obvious to an artisan at the time of the invention to combine the system of the modified Kullick with the teaching of wmp7. Motivation to do so would be to universalize the interface to recognize any format. The modified Kullick fails to distinctly point out an encryption system. However, Menezes teaches a system comprising: a remote encrypter for encrypting the data and the program modules (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of

Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 25, which is dependent on claim 25, the modified Kullick fails to disclose a decrypter for the data. However, Menezes teaches a system comprising a remote receiver for receiving client data from the client device; and a remote decrypter for decrypting the client data (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 27, which is dependent on claim 25, the modified Kullick discloses a system wherein the remote receiver is for uploading data indicating the status of client media format access data stored on the client device (Kullick, Column 7 lines 9-14) and wherein the remote transmitter is for downloading the remote media format access data to the client device according to the uploaded status data (Kullick, Column 7 lines 15-17).

As per claim 28, which is dependent on claim 25, the modified Kullick discloses a system wherein the remote receiver is for uploading data indicating the status of client program modules stored on the client device (Kullick, Column 7 lines 9-14) and wherein the remote transmitter is for downloading the remote program modules to the client device according to the uploaded status data (Kullick, Column 7 lines 15-17).

As per claim 34, which is dependent on claim 32, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches

decrypting the members of the set of remote media format access data (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 35, which is dependent on claim 32, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches decrypting the members of the set of remote program modules (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 42, which is dependent on claim 40, the modified Kullick fails to distinctly point out encrypting of information. However, Menezes teaches a method wherein transmitting data comprises encrypting the data (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 54, which is dependent on claim 52, the modified Kullick fails to distinctly point out encrypting of information. However, Menezes teaches encrypting data downloaded from the remote server (Figure 1.11 Alice) Therefore it would have been obvious to an artisan at the time of the invention to combine

the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 55, which is dependent on claim 52, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches decrypting the data uploaded to the remote server (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

Claim 60 is similar to scope to claim 34, and is therefore rejected under similar rationale.

Claim 61 is similar to scope to claim 35, and is therefore rejected under similar rationale.

Claim 68 is similar to scope to claim 42, and is therefore rejected under similar rationale.

Claim 79 is similar to scope to claim 54, and is therefore rejected under similar rationale.

Claim 80 is similar to scope to claim 55, and is therefore rejected under similar rationale.

22. Claims 7, 8, 48, 51, 73, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Sakanishi ("Sakanishi", US# 6,678,888).

As per claim 7, which is dependent on claim 5, the modified Kullick fails to disclose downloading upon an inquiry. However, Sakanishi teaches a system wherein the client media format controller updates the set of client media formats and associated client media format access data upon receiving an inquiry from the remote device (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to ensure the proper updates were taking place.

As per claim 8, which is dependent on claim 5, the modified Kullick fails to disclose downloading upon an inquiry. However, Sakanishi teaches a system wherein the client program module controller updates the set of client program modules upon receiving an inquiry from the remote device (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to ensure the proper updates were taking place.

As per claim 48, which is dependent on claim 45, the modified Kullick fails to disclose uploading status data for downloading data. However, Sakanishi teaches a method comprising uploading status data from the client device where the status data indicates the status of a set of client media format access data, and wherein downloading data to the client device further comprises downloading data to the client device according to the status data (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the

invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to download only the updates, which have not been downloaded, are downloaded to eliminate unnecessary downloads.

As per claim 51, which is dependent on claim 45, the modified Kullick fails to disclose uploading status data for downloading data. However, Sakanishi teaches a method wherein uploading status data further comprises uploading a result of a comparison of the set of remote media format access data to the set of client media format access data (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to download only the updates, which have not been downloaded, are downloaded to eliminate unnecessary downloads.

Claim 73 is similar to scope to claim 48, and is therefore rejected under similar rationale.

Claim 76 is similar to scope to claim 51, and is therefore rejected under similar rationale.

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Capps et al ("Capps", US2002/0082730).

As per claim 9, which is dependent on claim 1, the modified Kullick fails to disclose a network interface for interfacing with the Internet. However, Capps teaches a network interface for interfacing with the Internet ([0031] lines 7-11). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Capps. Motivation to do so would have been to extend the users capability to include Internet access.

24. Claims 29-31, 37, 49, 63, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Yale ("Yale", US 2002/0091764).

As per claim 29, which is dependent on claim 25, the modified Kullick fails to distinctly point out uploading personalization data. However, Yale teaches a system wherein the remote receiver is for uploading user personalization data ([0043] lines 7-12) and the remote transmitter is for downloading remote media format access data and remote program modules according to the user personalization data ([0044] lines 9-11; *wherein the transmission of files is a result of a user preference*). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 30, which is dependent on claim 29, the modified Kullick discloses a system, wherein the personalization data further controls the frequency and manner of downloading and storage of the remote program

modules, and the personalization data controls the links to the media files (wmp7, Figure 2 items 10,20)

As per claim 31, which is dependent on claim 30, the modified Kullick fails to distinctly point out uploading personalization data. However, Yale teaches a system wherein the remote storage unit further functions to store the personalization data ([0043] lines 13-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 37, which is dependent on claim 36, the modified Kullick fails to distinctly point out transmitting personalization data. However, Yale teaches a method comprising transmitting the personalization data to a remote device ([0043] lines 13-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 49, which is dependent on claim 45, the modified Kullick fails to distinctly point out transmitting data over the Internet. However, Yale teaches a method wherein downloading data comprises transmitting the data over the Internet. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to utilize the well-known established connections such as the Internet.

Claim 63 is similar to scope to claim 37, and is therefore rejected under similar rationale.

Claim 74 is similar to scope to claim 49, and is therefore rejected under similar rationale.

25. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Windows Media Player 7 ("wmp7") in further view of Menezes ("Menezes", Handbook of Applied Cryptography) in further view of Fox et al ("Fox", US# 5,790,677).

As per claim 26, which is dependent on claim 1, the modified Kullick fails to disclose client identifying data and billing information. However, Fox teaches a system wherein client data transmitted to the remote device includes identifying data (Column 8 lines 39-42) and billing information (Column 7 lines 52-58). Therefore it would have been obvious to combine the modified system of Kullick with the teachings of Fox. Motivation to do so would have been to uniquely identify the user for security purposes.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US006707459B1 teaches updating of codecs to support new formats.
- US 20020067907A1 teaches multiple format interfacing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Pitaro whose telephone number is (703) 605-1205. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday, and every other Friday. The Patent Office is moving, after mid October the new telephone number where Ryan Pitaro can be reached is (571) 272 – 4071.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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